IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARION SMITH, :

No. 4:CV-04-854

Plaintiff :

:

v. : (Judge McClure)

(Magistrate Judge Blewitt)

JO ANNE BARNHART,

.

Commissioner of Social Security :

Administration :

ORDER

JUNE 20, 2005

BACKGROUND:

On April 20, 2004, plaintiff Marion Smith, commenced this civil action under 42 U.S.C. § 405(g). Smith appeals the Commissioner's decision to deny her disability benefits and asserts that the Commissioner's decision was not supported by substantial evidence.

The matter was originally referred to United States Magistrate Judge Thomas M. Blewitt.

On May 18, 2005, Magistrate Judge Blewitt filed a 35-page report and recommendation. (Rec. Doc. No. 12.) The Magistrate Judge found that the ALJ had made reversible error and recommended that plaintiff's appeal of the

Commissioner's decision be granted and that the matter be remanded to the

Commissioner for consideration of Smith's claims regarding her documented

impairments beyond the step two dispositions and for a determination of the onset

date of Smith's disability. On June 2, 2005, the defendant advised the court that it

waived the opportunity to object to the report and recommendation. (Rec. Doc.

No. 13.) Having reviewed the carefully reasoned decision of Magistrate Judge

Blewitt we will adopt his report and recommendation and remand the matter to the

Commissioner.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The report and recommendation of United States Magistrate Judge

Thomas M. Blewitt (Rec. Doc. No. 12), is adopted in full for the reasons set forth

therein.

2. The appeal from the decision of the Commissioner of Social Security

is granted, and the matter is remanded to the Commissioner for further

proceedings.

3. The clerk is directed to close the case file.

s/ James F. McClure, Jr.

James F. McClure, Jr.

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United States District Judge